

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROY MITCHELL,

Plaintiff,

v.

STATE OF WISCONSIN DEPARTMENT
OF HEALTH SERVICES,

Defendant.

ORDER

Case No. 15-cv-426-wmc

On July 10, 2015, this court entered an order directing plaintiff to submit by August 7, 2015, an initial partial payment of the filing fee in this case in the amount of \$2.20. Now plaintiff has filed a letter asking the court to waive the initial partial payment because plaintiff is indigent.

A review of plaintiff's inmate account statement shows that plaintiff received a deposit of \$22.00 on June 3, 2015. Because this court is bound by the provisions of 28 U.S.C. 1915(b) and because it is clear plaintiff's initial partial payment was calculated correctly pursuant to these provisions, plaintiff's motion for the court to waive the initial partial filing fee in this case must be denied.

With an enlargement of time, plaintiff may be able to pay this initial partial fee. Plaintiff may have until August 25, 2015 to pay his \$2.20 initial partial payment. If plaintiff has not received any deposits since the end date of his last statement (June 8, 2015), plaintiff should submit a new statement to show that no deposits have been made to plaintiff's account.

ORDER

IT IS ORDERED that plaintiff Roy Mitchell's request to waive the initial partial filing fee, dkt #7, is DENIED without prejudice. Plaintiff may have until August 25, 2015, to submit a check or money order made payable to the clerk of court in the amount of \$2.20. If plaintiff fails to respond to this order, or show cause for failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff's filing this case at a later date.

Entered this 22nd day of July, 2015.

BY THE COURT:

/s/

PETER OPPENEER
Magistrate Judge